

Applicant: Barak, Yahoshua
Application No.: 10/594,170
Examiner: Kavanaugh

Remarks

In deference to the election requirement on page 2 of the above-identified Office action, applicants elect Group I with Traverse. Group I reads on claims 1-4.

The Examiner based the restriction on PCT Rules 13.1 and 13.2. The stated reason was that the Groups do not relate to a single general inventive concept. The Examiner stated that Group II was missing the special technical feature that distinguished Group I from the prior art (i.e. Schenkl 4,705,255). The special technical feature is the step of creating a cast of the foot in plaster.

The claims of Group II have been amended to include the special technical feature of Group I. Claim 5 now includes the following feature: "An orthopedic insole having been created from a cast of the foot in plaster, said orthopedic insole including said specially designed insert."

Accordingly, both groups now contain the special technical feature. Therefore, there is unity of invention in both groups of claims. Because the claims as amended share unity of invention, claims 1-8 should remain pending in the application because the restriction is no longer necessary.

If the Examiner maintains the restriction, Applicant reserves the right to file a divisional application including the species of Group II at a later date.

In view of the foregoing, the early issuance of an Action on the merits, and the allowance of all of the claims are solicited.

If an extension of time for this paper is required, petition for extension is herewith made.

Conclusion

In light of the foregoing remarks, this application is now in condition for allowance and early passage of this case to issue is respectfully requested. If any questions remain regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

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No fee is believed due. However, please charge any required fee (or credit any overpayments of fees) to the Deposit Account of the undersigned, Account No. 500601 (Docket No. 7044-X07-067).

Respectfully submitted,

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